

UNITED STATES DISTRICT COURT
for the
Northern District of New York

UNITED STATES OF AMERICA

v.

JONATHAN M. CUNEY,

Defendant.

)

Case No. 1:19-MJ-160 (CFH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of September 9-10, 2019, in the county of Rensselaer in the Northern District of New York, the defendant violated:

Code Section

Title 18, United States Code,
§ 922(g)(1)

Offense Description

Unlawful possession of a firearm by a felon

This criminal complaint is based on these facts:
Please see attached affidavit.

Continued on the attached sheet.

Attested to by the Applicant in Accordance with
the Requirements of Rule 4.1 of the Federal
Rules of Criminal Procedure.

Sworn to before me and signed in my presence.

Date: November 18, 2019

Complainant's signature

ATF Special Agent Young Choi

Printed name and title

Judge's signature

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

Affidavit in Support of a Criminal Complaint

I, Young Choi, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the ATF, and have been so employed since September 2012. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, GA, and the ATF Special Agent Basic Training Program at the ATF National Academy also located in Glynco. Prior to my employment with ATF, I was a military prosecutor and defense attorney with the United States Marine Corps, and also worked as a Traffic Safety Resource Prosecutor for the State of New York. My duties at ATF include the investigation of federal firearm violations and related crimes.

2. I submit this affidavit in support of a criminal complaint with accompanying arrest warrant charging JONATHAN M. CUNEY (“CUNEY”) with a violation of Title 18, United States Code, § 922(g)(1), possession of a firearm by a felon, occurring on or about September 9-10, 2019, in East Greenbush, New York.

3. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews and my review of reports by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts known to me regarding this investigation. Where statements of others are related in this affidavit, they are related in substance and in part.

Basis for a Probable Cause Finding

4. CUNEY is in federal custody in Arizona and the subject of two (2) other federal criminal complaints. A criminal complaint issued out of the Western District of Missouri charges him with being a felon in unlawful possession of ammunition on September 18, 2019. CUNEY was arrested on November 12, 2019, near Tucson, Arizona, and found to be in unlawful possession of two firearms, resulting in a complaint being filed against him in the District of Arizona.

5. CUNEY is already a federal felon, previously investigated by ATF as a resident of East Greenbush, New York. CUNEY, age 36, is a former Marine Corps Sergeant who worked in firearms sales for several well-known companies, and also sold firearms and related equipment through companies he founded. One of his Federal Firearms Licenses was called American Armaments LLC based out of Providence, Rhode Island.

6. On December 22, 2015, CUNEY was sentenced to 37 months in prison and 2 years of supervised release, following a guilty plea, in the United States District Court for the Southern District of New York, to transporting and selling firearms with obliterated serial numbers while he was a licensed firearms dealer.

7. According to the U.S. Bureau of Prisons, CUNEY was released from prison on April 4, 2017. He thereafter returned to East Greenbush, and began his term of supervised release. On or about May 21, 2018, following his *pro se* petition to the Court, CUNEY was granted early termination from supervision.

8. On November 14, 2019, ATF Albany sought and obtained a search warrant from this Court for a storage unit located at Store Away Self-Storage, 520 Columbia Turnpike, East Greenbush, less than a mile away from where CUNEY maintains a residence. Records revealed that CUNEY started renting storage unit 4020 on September 9, 2019. According to the New

Tenant Information Sheet and also the NY Monthly Occupancy Agreement, CUNEY provided a Wyoming address that an ATF investigation has revealed is associated with CUNEY, and also provided his Wyoming driver's license that was photocopied by Store Away Self-Storage. He also signed these documents with his name. I am familiar with CUNEY's identity and recognize CUNEY from the photocopied driver's license. According to the storage unit's computerized records, CUNEY accessed his storage unit on September 9 and 10, 2019, and at no other dates or times.

9. Upon execution of the federal search warrant on November 14, 2019, ATF Albany seized numerous firearms, ammunition, and other items of evidentiary value. Several of the firearms are associated with being transferred to American Armaments, LLC, CUNEY's old Federal Firearms License from Rhode Island.

10. One of the firearms seized at this storage unit was a Springfield Armory, Model M-1A SOCOM 16 QCB, .308 cal/7.62x51 mm, semiautomatic rifle, bearing SN 396898. This firearm is currently in custody at ATF Albany.

11. On November 14, 2019, ATF Special Agent Jason Sherman, who has received training and is certified in regards to interstate nexus determinations of firearms and ammunition, provided a verbal opinion that the Springfield Armory, Model M-1A SOCOM 16 QCB, .308 cal/7.62x51 mm, semiautomatic rifle, bearing SN 396898, was manufactured outside the State of New York; accordingly, it has previously moved in interstate commerce.

12. Based on the foregoing, there is a probable cause to charge JONATHAN M. CUNEY for violating Title 18, United States Code, Section 922(g)(1), for possessing a firearm as a felon on or about September 9-10, 2019 in the Northern District of New York.



ATF Special Agent Young Choi

Subscribed to and sworn to
Before me this 18th day of November, 2019



Hon. Christian F. Hummel
U.S. Magistrate Judge
Northern District of New York